

REMARKS

The Office action of 21 September 2005 (Paper No. 20050906) has been carefully considered.

Claims 1 thru 25 and 27 thru 30 are being amended, and claims 31 thru 33 are being added. Thus, claims 1 thru 33 are pending in the application.

In paragraph 2 of the Office action, the Examiner rejected claims 1 thru 18 under 35 U.S.C. §101 because the invention is claiming a data structure *per se*. Independent claims 1 and 10 (and their associated dependent claims) are being amended to recite a method for setting a label switched path (LSP) and a Label Edge Router (LER), respectively. Thus, the rejection under 35 U.S.C. §101 no longer applies, and should be withdrawn.

In paragraph 4 of the Office action, the Examiner rejected claims 19 thru 21, 23 thru 26 and 28 under 35 U.S.C. §103 for alleged unpatentability over *Yazaki et al.*, U.S. Patent No. 6,768,738 in view of *Cao et al.*, U.S. Patent Publication No. 2002/0181485. In paragraph 5 of the Office action, the Examiner objected to claims 22, 27, 29 and 30 for dependency upon a rejected base claim, but the Examiner stated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claims 19 and 25 are being amended to recite a first step (a) of storing a plurality of profiles including entries associated with stored information corresponding respectively to a plurality of FEC information, a plurality of ER-LSP setup information, and a plurality of QsS information, wherein the plurality of profiles correspond respectively to the plurality of FEC information, the plurality of ER-LSP setup information, and the plurality of QsS information. None of the cited references, either alone or in combination discloses an LSP setup method or an LSP release method including step (a) as now recited in these claims. Thus, the inventive methods are distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §103.

In addition, new independent claims 31 thru 33 correspond to original dependent claims 22, 27 and 30, respectively, rewritten in independent form. Since dependent claims 22, 27 and 30 were merely objected to for dependency on a rejected base claim, independent claims 31 thru 33 should be in condition for immediate allowance.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

A fee of \$750.00 is incurred by the addition of three (3) independent claims in excess of 4 and three (3) total claims in excess of total 30. Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W., Suite 300
Washington, D.C. 20005
(202) 408-9040

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